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REMARKS

Claims 1-20 remain in the application.

The Office Action states that a restriction is required under 35 U.S.C. 121 to claims 1-7 (Group I), claims 8-16 (Group II), or claims 17-20 (Group III).

The requirement for restriction that has been made in the present application is traversed. It is first noted that the Restriction is improper at least because the claims are directed to a product, a method of making the product, and a method of using the product. Consequently, a restriction is proper ONLY if a three-way restriction can be made. Such three-way restriction requires that one of the three categories be unpatentable. In the present case, the restriction action only identifies an alleged two-way distinctiveness and not the required three-way distinctiveness, thus, the restriction is believed to be improper. Additionally, the restriction does not state that one of the three categories is unpatentable.

Applicants respectfully submit that all three categories of claims 1-20 are patentable. Accordingly, the requirement for restriction in the present case is improper and should be withdrawn.

Additionally, restriction is never mandatory and is discretionary under 35 U.S.C. 121 only when "two or more independent and distinct" inventions are claimed. The Office Action alleges that restriction is required because the invention of applicant's claims is "distinct". It has not been alleged that applicant's claimed inventions are "independent and distinct", and yet this requirement is a prerequisite under the Patent Statutes before the Commissioner's discretion may be exercised under 35 U.S.C. 121.

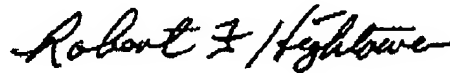
Thus, it is respectfully submitted that the restriction requirement should be removed because there is not a valid ground

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under 35 U.S.C. 121 for exercising the Commissioner's discretion and requiring the restriction.

The provisional election of the Group I claims, i.e. claims 1-7, is hereby confirmed. The restriction requirement is traversed, however, and reconsideration and withdrawal of the requirement for restriction is respectfully requested.

Respectfully submitted,



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